

## **REMARKS**

Claims 1, 6-8 and 28-33 remain pending in the present application. Claim 1 has been amended. Claims 31-33 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

### **REJECTION UNDER 35 U.S.C. § 103**

In the Final Office Action, Claims 1 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fister, et al. (U.S. Pat. No. 4,518,058) in view of Handke, et al. (U.S. Pat. No. 4,328,960) and Claims 6, 7, 29 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fister, et al. in view of Handke, et al. as applied to Claim 1 above, and further in view of E. Tuneblom (U.S. Pat. No. 3,339,680). Applicants respectfully traverse this rejection.

Claim 1 of the present application has been amended to define that the pressurized fluid in the sealed working chamber is the only component of the damper exerting a force on the piston when the piston is stationary within the pressure tube.

Fister, et al. discloses springs 31 and 32 which are utilized to bias or position the piston in a centered position. As stated in column 4, lines 43-48, "Without this arrangement of centering springs, the assembly 14 would not perform its intended function which is to react to torque produced by the internal combustion engine 10 so as to retain the engine in its original or substantially original position and damp engine vibrations. Thus, while Handke, et al. does not include springs on either side of its piston, eliminating the springs in Fister, et al. is not obvious since it would make Fister, et al. unsuitable for its intended purpose.

Thus, Applicants believe Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 6, 7 and 28-30, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### **NEW CLAIMS**

New Claims 31-33 include independent Claims 31 and 33 which define the pressurized gas as being the only biasing member in the lower and upper, respectively, working chambers. Claim 32 is a dependent claim which depends from Claim 31.

#### **REJOINDER**

Applicants respectfully request the rejoinder of Claim 8.

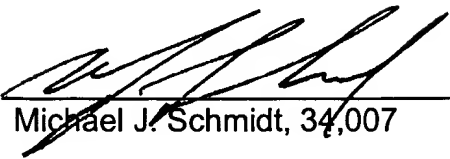
#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: July 28, 2005

By:

A handwritten signature in black ink, appearing to read "Michael J. Schmidt", is written over a horizontal line.

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